

**EXHIBIT E TO THE DECLARATION OF  
PATRICK M. RYAN IN SUPPORT OF CISCO'S  
OPPOSITION TO COUNTERDEFENDANTS'  
MOTION TO STAY COUNTERCLAIMS**

**ORIGINALLY FILED UNDER SEAL**

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ORDER OF FEBRUARY 23, 2011  
(DOCKET ENTRY #281)**

**Yussuf Deposition Transcript, Vol. 1, pp. 161-235**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

--oOo--

MULTIVEN, INC., a Delaware  
corporation,

Plaintiff,

vs.

CISCO SYSTEMS, INC.,  
a California corporation,

Defendant.

---

CISCO SYSTEMS, INC., a California  
corporation, and CISCO TECHNOLOGY,  
INC., a California corporation,

Counterclaimants,

vs.

MULTIVEN, INC., a Delaware  
corporation, PINGSTA, INC.,  
a Delaware corporation, and PETER  
ALFRED-ADEKEYE, an individual,

Counterdefendants.

CERTIFIED  
COPY

Attorneys' Eyes Only

No. 5:08-cv-05391  
(JW) (HRL)

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VIDEOTAPED DEPOSITION  
OF  
DEKA YUSSUF

(PORTION DESIGNATED ATTORNEYS' EYES ONLY PAGES 161-235)

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DATE: May 20, 2010  
LOCATION: Vancouver, B.C.  
REPORTED BY: CHRISTY L. PRATT, RCR, RPR, BCSRA 535

**M E R R I L L C O R P O R A T I O N**

**DEKA YUSSUF      May 20, 2010**  
**ATTORNEYS' EYES ONLY**

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1                    BE IT REMEMBERED that, pursuant to Notice,  
2                    and on Thursday, May 20, 2010, commencing at  
3                    8:35 a.m., thereof, at 845 Hornby Street,  
4                    Vancouver, British Columbia, Canada, before me,  
5                    CHRISTY L. PRATT, a Certified Shorthand  
6                    Reporter, personally appeared

7                    DEKA YUSSUF

8  
9                    \_\_\_\_\_  
10                    called as a witness by the Defendant and  
11                    Counterclaimants, who having been first duly  
12                    affirmed was examined and testified as follows:

13                    --oOo--  
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25

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24 ALSO PRESENT: MIKE ELDERKIN, Videographer

TOMMY SIT, Videographer

25

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1            (PROCEEDINGS RECESSED AT 12:45 P.M.)

12:45:25    2        VIDEO OPERATOR: We're back on the record. Here  
12:45:26    3            begins videotape number 3 in the deposition of  
12:45:29    4            Dek a Yussuf. The time is 12:45.

12:45:34    5        MR. RYAN: This portion of the deposition is going to  
12:45:39    6            be attorneys' eyes only, subject to Cisco's  
12:45:41    7            belief that some of this deposition and  
12:45:43    8            documents should not be attorneys' eyes only,  
12:45:47    9            but we will take that up later between counsel,  
12:45:50    10          and if we can't work it out, then we may have to  
12:45:55    11          go to the judge.

12:45:57    12                Ms. Enns is going to be taking over the  
12:45:59    13                questioning for now. The court reporter has  
12:46:01    14                disconnected her computer from the internet, and  
12:46:04    15                so the transcript is no longer being streamed  
12:46:08    16                over the internet. It is only being hardwired  
12:46:12    17                to two of the computers in the room. Is that  
12:46:16    18                accurate, Madam Court Reporter?

12:46:18    19        THE REPORTER: Yes.

12:46:20    20        MR. BIAL: And just -- I want to just ask you,  
12:46:22    21            Patrick, because there is -- Cisco has brought  
12:46:24    22            along a lot of fancy equipment here, and there's  
12:46:27    23            wires all over the place, and I just want your  
12:46:29    24            assurance that given that it is attorneys' eyes  
12:46:31    25            only, that you have ensured that protections are



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12:46:34 1 in place that it's not picked up by Wi-Fi or by  
12:46:37 2 other sources that can make this publicly  
12:46:39 3 available.  
12:46:40 4 MR. RYAN: There is nothing to my knowledge that  
12:46:42 5 would make this publicly available or to anyone  
12:46:46 6 that is not in the room.  
12:46:46 7 MR. BIAL: Okay.  
12:46:48 8 MR. RYAN: Except for Mr. Donaldson, who is on the  
12:46:51 9 phone.  
12:46:52 10 MR. BIAL: Okay.  
12:46:53 11 MR. RYAN: All right?  
12:46:54 12 MR. BIAL: Thank you.  
12:46:56 13 MR. RYAN: No problem. All right. Ms. Enns, please  
12:46:58 14 take over.

DEKA YUSSUF

17 called as a witness by the Defendant and  
18 Counterclaimants, who having been previously  
19 duly affirmed was examined and testified as  
12:47:00 20 follows:  
12:47:10 21 EXAMINATION BY MS. ENNS:  
12:47:12 22 Q Good afternoon.  
12:47:13 23 A Good afternoon.  
12:47:17 24 Q I understand that your testimony earlier today  
12:47:20 25 was that you have acted as the CFO of Multiven;

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12:47:24 1 is that correct?

12:47:24 2 A I actually clarified that earlier. I wasn't a

12:47:30 3 CFO as such. I was helping out in finances,

12:47:33 4 yes.

12:47:34 5 Q And have you helped out in finances since you

12:47:37 6 started at Multiven?

12:47:38 7 A Yes.

12:47:38 8 Q And you started at Multiven in approximately

12:47:42 9 June of 2006?

12:47:43 10 A Correct.

12:47:44 11 Q Did you ever help out at Multiven prior to June

12:47:49 12 of 2006?

12:47:51 13 A Not that I recall.

12:47:57 14 Q And as you have helped out with finances, do you

12:48:02 15 understand where Multiven gets its capital?

12:48:05 16 A Yes.

12:48:08 17 [REDACTED]

12:48:11 18 [REDACTED]

12:48:16 19 [REDACTED]

12:48:20 20 [REDACTED]

12:48:20 21 MR. BIAL: I'm going to object. I'm going to let the

12:48:23 22 questioning continue for a bit here, but we

12:48:25 23 covered a lot of this this morning. But you can

12:48:27 24 continue if this isn't going to go on and repeat

12:48:30 25 all of those questions.

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12:48:36 1 MS. ENNS:  
12:48:36 2 Q Has Multiven ever obtained venture capital?  
12:48:41 3 A Am I at liberty to say?  
12:48:44 4 MR. O'LEARY: Yes.  
12:48:45 5 A No.  
12:48:49 6 MS. ENNS:  
12:48:49 7 [REDACTED]  
12:48:51 8 [REDACTED]  
12:48:57 9 [REDACTED]  
12:48:58 10 [REDACTED]  
12:48:59 11 [REDACTED] [REDACTED]  
12:49:03 12 [REDACTED]  
12:49:03 13 [REDACTED] [REDACTED]  
12:49:05 14 Q And I believe you testified earlier that  
12:49:10 15 Multiven has loans from individual investors?  
12:49:13 16 A Correct.  
12:49:14 17 Q Does Multiven have any loans from investors  
12:49:18 18 other than individuals?  
12:49:19 19 A Not that I'm aware of.  
12:49:22 20 Q As of today, how much loan debt does Multiven  
12:49:27 21 have?  
12:49:27 22 A I don't know the exact figure.  
12:49:32 23 Q Do you know the exact figure for 2009?  
12:49:34 24 A No.  
12:49:35 25 Q 2008?

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12:49:35	1	A	No.
12:49:36	2	Q	2007?
12:49:38	3	A	No.
12:49:39	4	Q	2006?
12:49:40	5	A	No.
12:49:41	6	MS. ENNS:	I'd like to introduce an exhibit. What
12:50:13	7		number are we on, Madam Reporter?
12:50:18	8	THE REPORTER:	25.
12:50:18	9		EXHIBIT 25: Zimbra Collaboration Suite document
12:50:20	10		titled "Multiven Liabilities Snapshot"
12:50:20	11	MS. ENNS:	
12:50:20	12	Q	Please take a minute to review the document.
12:50:53	13		Do you recognize what type of document this is?
12:50:56	14	A	It appears to be a notebook.
12:50:58	15	Q	And what is a notebook?
12:50:59	16	A	It's a Zimbra word document, like a Word
12:51:04	17		document.
12:51:04	18	Q	And can we tell from the face of this document
12:51:07	19		who created it?
12:51:08	20	A	Yes.
12:51:09	21	Q	And how do we tell?
12:51:10	22	A	It states the author under the title. So in
12:51:16	23		this case it's "Multiven Liabilities Snapshot"
12:51:20	24		by deka@multiven.com.
12:51:24	25	Q	And that's you?

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12:51:25 1 A Yes.

12:51:26 2 Q And so there's a name with an e-mail handle in

12:51:28 3 the upper right-hand corner; correct?

12:51:28 4 A Yes.

12:51:29 5 Q And what does that signify?

12:51:30 6 A The author of the document.

12:51:32 7 Q So is the author of the document peter@multiven.com?

12:51:40 8 A Oh, no, sorry. I thought you meant the

12:51:41 9 left-hand corner.

12:51:42 10 Q Oh, sorry.

12:51:42 11 A No, that would mean that -- peter@multiven would

12:51:44 12 mean that you extracted this from Peter's inbox,

12:51:50 13 Zimbra.

12:51:50 14 Q In Zimbra do notebooks and e-mails appear in an

12:51:55 15 inbox?

12:51:55 16 A Not e-mail inboxes, per se. This is a document

12:52:00 17 that was created by me, and I shared it with

12:52:02 18 Peter, and so this snapshot was probably taken

12:52:06 19 from Peter's Zimbra notebook. Does that make

12:52:10 20 sense?

12:52:10 21 Q That makes sense. Thank you.

12:52:12 22 A Okay.

12:52:12 23 Q Do you see -- strike that.

12:52:16 24 How can you tell when this document was

12:52:17 25 created?

12:52:18 1 A There's no way of telling that on this document.

12:52:27 2 Q If we were in the Zimbra notebook, how could we

12:52:30 3 tell when this document was created?

12:52:32 4 A I don't know that you can tell that from looking

12:52:36 5 at the notebook. You could see the date when it

12:52:41 6 was edited, perhaps.

12:52:42 7 Q Looking at the document here today, do you know

12:52:47 8 when this was created?

12:52:48 9 A I don't know the exact date, no.

12:52:52 10 Q Can you give me your best estimate?

12:52:54 11 A Sometimes in 2008/2009.

12:53:04 12 [REDACTED]

12:53:07 13 [REDACTED]

12:53:09 14 [REDACTED]

12:53:09 15 [REDACTED]

12:53:12 16 [REDACTED]

12:53:17 17 [REDACTED]

12:53:21 18 [REDACTED]

12:53:22 19 [REDACTED]

12:53:24 20 [REDACTED]

12:53:31 21 [REDACTED]

12:53:40 22 [REDACTED]

12:53:41 23 [REDACTED]

12:53:42 24 [REDACTED]

12:53:54 25 [REDACTED]

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12:53:56 1 [REDACTED]  
12:54:00 2 Q When you were helping out with finances, did you  
12:54:23 3 help project revenue numbers?  
12:54:28 4 A Yes.  
12:54:29 5 Q Have you helped project revenue numbers since  
12:54:42 6 you started at Multiven?  
12:54:44 7 A Yes.  
12:54:44 8 Q So since June of 2006?  
12:54:45 9 A Yes.  
12:54:51 10 MS. ENNS: I'd like to introduce the next exhibit.  
12:55:17 11 Number 26.  
12:55:18 12 EXHIBIT 26: Zimbra Collaboration Suite  
12:55:18 13 communication between Peter Adekeye, Mark  
12:55:18 14 Wippich and Christopher Armacost with attached  
12:55:18 15 Multiven executive summary dated July 2006  
12:55:18 16 VIDEO OPERATOR: Excuse the interruption. We have a  
12:55:21 17 cell phone or BlackBerry that's causing some  
12:55:25 18 interference. If we could just move -- power  
12:55:28 19 off or move it away from the mics. Thanks.  
12:55:35 20 MR. O'LEARY: Has it gone away?  
12:55:37 21 VIDEO OPERATOR: I won't know for a few minutes.  
12:55:48 22 MS. ENNS:  
12:55:48 23 Q Please review the exhibit I'd like to introduce  
12:55:52 24 as exhibit number 26. Please review it for a  
12:55:58 25 moment, and my questions are going to go to the

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12:56:00 1 attachment at the back.

12:56:50 2 Do you recognize the type of document that

12:56:52 3 begins with Bates label Multi-0015654?

12:57:01 4 A Yes.

12:57:01 5 Q And what is it?

12:57:02 6 A It appears to be an executive summary.

12:57:05 7 Q Have you -- while at Multiven have you helped

12:57:12 8 prepare an executive summary such as this

12:57:15 9 document?

12:57:15 10 A Yes.

12:57:16 11 Q Did you help to prepare this one?

12:57:19 12 A I don't recollect that.

12:57:21 13 Q Could you please turn to page Multi-0015657? Do

12:57:37 14 you see the section that is titled "Financing"?

12:57:41 15 A Yes.

12:57:42 16 [REDACTED]

12:57:54 17 [REDACTED]

12:57:55 18 [REDACTED]

12:57:58 19 [REDACTED]

12:58:00 20 [REDACTED]

12:58:04 21 [REDACTED]

12:58:05 22 [REDACTED]

12:58:08 23 [REDACTED]

12:58:08 24 [REDACTED]

12:58:09 25 Q Do you know what the term "gross revenue" is?



**DEKA YUSSUF      May 20, 2010**  
**ATTORNEYS' EYES ONLY**

12:58:15      1      A      I have an understanding, yes.

12:58:16      2      Q      And what is that understanding?

12:58:17      3      A      The total amount of money received for services

12:58:25      4              used.

12:58:25      5      Q      And do you recognize the term "net profit"?

12:58:29      6      A      Yes.

12:58:30      7      Q      And what is that?

12:58:31      8      A      It's gross revenue minus any expenses that the

12:58:33      9              business incurred.

12:58:35      10     Q      Did you help prepare these figures that are

12:58:39      11              in -- that are on this page?

12:58:39      12     MR. O'LEARY: Objection. I believe the witness

12:58:40      13              indicated she did not. You can answer.

12:58:46      14     A      I have no recollection.

12:58:48      15     MS. ENNS:

12:58:48      16     Q      But while you were helping with finance at

12:58:52      17              Multiven you did help with some projections?

12:58:54      18     A      Yes.

12:59:18      19     MS. ENNS: I'd like to introduce exhibit number 27.

12:59:22      20              EXHIBIT 27: Zimbra Collaboration Suite

12:59:22      21              communication from Peter Adekeye to Basil Gray

12:59:22      22              with attached Multiven financials dated

12:59:44      23              August 2006

12:59:44      24     MS. ENNS:

12:59:44      25     Q      Please review the document.

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13:00:12 1 Do you recognize this type of document?

13:00:16 2 A Yes.

13:00:17 3 Q And on page Multi-0008961 the title is

13:00:25 4 "Financials"?

13:00:26 5 A Yes.

13:00:26 6 Q And while you were helping with financials at

13:00:32 7 Multiven, is this the type of document you would

13:00:34 8 have helped with?

13:00:35 9 A Not in 2006, no.

13:00:36 10 Q When would you -- would you have ever helped

13:00:41 11 with this type of document?

13:00:42 12 A During my time at Multiven?

13:00:46 13 Q Correct.

13:00:46 14 A Yes.

13:00:47 15 Q And when would you have started helping with

13:00:49 16 this type of document?

13:00:50 17 A I don't recollect the exact date, but this is

13:00:53 18 too early for me to have been involved in

13:00:55 19 financials, such financials.

13:00:57 20 Q Can you give me your best estimate of when you

13:01:19 21 would have started to be involved with this type

13:01:22 22 of financials?

13:01:23 23 A I would say in 2008.

13:01:41 24 MS. ENNS: I'd like to introduce exhibit 28.

13:01:58 25 EXHIBIT 28: Zimbra Collaboration Suite

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13:01:58 1 communication between Peter Adekeye and Matt  
13:01:58 2 Goldberg with attached Multiven executive  
13:02:01 3 summary dated October 2006  
13:02:01 4 MS. ENNS:  
13:02:02 5 Q Please review the document.  
13:02:45 6 A Are there two copies of the same attachment, or  
13:02:48 7 is that --  
13:02:48 8 Q What are the numbers on the front page of each?  
13:02:51 9 A Okay. Different numbers. Okay.  
13:02:55 10 Q What should be attached is --  
13:03:00 11 MR. O'LEARY: It's explained here.  
13:03:02 12 A Oh, I see. I see. Yes, it makes sense.  
13:03:10 13 MS. ENNS:  
13:03:10 14 [REDACTED]  
13:03:18 15 [REDACTED]  
13:03:28 16 [REDACTED]  
13:03:30 17 [REDACTED]  
13:03:31 18 [REDACTED]  
13:03:34 19 [REDACTED]  
13:03:37 20 [REDACTED]  
13:03:45 21 [REDACTED]  
13:03:47 22 [REDACTED]  
13:03:50 23 Q And is this the type of financial projection you  
13:03:53 24 would have assisted with when you were helping  
13:03:55 25 with finances at Multiven?

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13:03:57 1 A Not this early on, no. Not in 2006.

13:03:59 2 [REDACTED]

13:04:04 3 [REDACTED]

13:04:06 4 [REDACTED] [REDACTED]

13:04:21 5 MS. ENNS: I'd like to introduce exhibit number 29.

13:04:32 6 EXHIBIT 29: Zimbra Collaboration Suite

13:04:32 7 communication of January 21, 2008, between Peter

13:05:31 8 Adekeye and Basil Gray

13:05:31 9 MS. ENNS:

13:05:31 10 Q While you were helping with financials at

13:05:33 11 Multiven would you have been helping with sales

13:05:37 12 bookings data?

13:05:39 13 A No.

13:05:39 14 Q What in addition to projections would you have

13:05:51 15 been helping with when you started working with

13:05:53 16 the financials -- when you started helping with

13:05:55 17 the financials?

13:05:56 18 A Day-to-day payments, managing cash flow,

13:06:02 19 generally.

13:06:12 20 Q Do you know if these bookings numbers are

13:06:14 21 accurate?

13:06:15 22 A I believe they were, yes.

13:06:17 23 [REDACTED]

13:06:33 24 [REDACTED]

13:06:37 25 [REDACTED]

13:06:38 1 [REDACTED]

13:06:43 2 [REDACTED]

13:06:44 3 [REDACTED] [REDACTED]

13:06:45 4 [REDACTED]

13:06:48 5 [REDACTED] [REDACTED]

13:06:50 6 [REDACTED]

13:06:55 7 [REDACTED] [REDACTED] [REDACTED]

13:06:59 8 [REDACTED]

13:07:07 9 [REDACTED] [REDACTED]

13:07:12 10 [REDACTED]

13:07:13 11 [REDACTED]

13:07:13 12 Q Does that refresh your recollection?

13:07:18 13 A No.

13:07:36 14 Q While you were helping with financials at

13:07:40 15 Multiven were you responsible for tracking

13:07:42 16 sales?

13:07:42 17 A Yes.

13:07:47 18 MS. ENNS: I'd like to introduce exhibit number 30.

13:07:50 19 EXHIBIT 30: Zimbra Collaboration Suite document

13:08:04 20 titled "Multiven Sales Snapshot"

13:08:04 21 MS. ENNS:

13:08:04 22 Q Is this another document from the Zimbra

13:08:16 23 notebook?

13:08:18 24 A Yes.

13:08:18 25 Q And does the -- and the title is "Multiven Sales

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13:08:25 1 Snapshot"?

13:08:25 2 A Correct.

13:08:27 3 Q And it says by deka@multiven.com; correct?

13:08:32 4 A Correct.

13:08:32 5 Q And does that mean that you created this

13:08:34 6 document?

13:08:34 7 A Yes.

13:08:34 8 Q And in the upper right-hand do you see where it

13:08:37 9 says peter@multiven.com?

13:08:40 10 A Yes.

13:08:40 11 Q And just to confirm, that means that you shared

13:08:45 12 this notebook with Peter?

13:08:48 13 A Correct.

13:08:48 14 Q Mr. Adekeye. I apologize.

13:08:51 15 Do you know when this document was created?

13:08:53 16 A I don't remember the date, no.

13:08:58 17 Q Can you give me your best estimate as to whether

13:09:01 18 it was created at the end of 2008?

13:09:03 19 A I have no idea. I would estimate that it was

13:09:07 20 mid to end '08.

13:09:11 21 [REDACTED]

13:09:14 22 [REDACTED]

13:09:20 23 [REDACTED]

13:09:20 24 Q And as to expenses, do you see underneath

13:09:26 25 expenses it says "EST figure including payroll"?

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13:09:30 1 A Yes.

13:09:30 2 Q What does that mean?

13:09:31 3 A Estimated figure including payroll.

13:09:37 4 Q And by "payroll" does that include salaried

13:09:40 5 employees, independent contractors and anyone

13:09:43 6 else who was doing work for Multiven?

13:09:45 7 A Typically it would include only employees,

13:09:47 8 Multiven employees, yes.

13:09:49 9 Q And how do you define Multiven employees?

13:09:55 10 A Salaried employees. So "payroll" references

13:09:59 11 salaried employees, not independent contractors.

13:10:04 12 [REDACTED] -- [REDACTED] [REDACTED]

13:10:09 13 [REDACTED]

13:10:13 14 [REDACTED]

13:10:14 15 [REDACTED] [REDACTED] [REDACTED]

13:10:15 16 [REDACTED] [REDACTED]

13:10:21 17 [REDACTED]

13:10:21 18 [REDACTED] [REDACTED]

13:10:25 19 [REDACTED]

13:10:26 20 [REDACTED] [REDACTED]

13:10:31 21 [REDACTED] [REDACTED]

13:10:33 22 [REDACTED]

13:10:39 23 [REDACTED]

13:10:39 24 [REDACTED]

13:10:44 25 [REDACTED] [REDACTED]

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13:10:49	1		[REDACTED]
13:10:57	2	■	[REDACTED]
13:10:58	3	■	[REDACTED]
13:11:00	4	■	[REDACTED]
13:11:01	5	■	[REDACTED]
13:11:04	6	■	[REDACTED]
13:11:05	7	■	[REDACTED]
13:11:14	8	■	[REDACTED]
13:11:16	9	Q	How would you figure out what Multiven's sales
13:11:19	10		to date in 2010 are?
13:11:20	11	A	How would I figure that out?
13:11:23	12	Q	Yes.
13:11:23	13	A	By looking at the purchase orders and bookings
13:11:27	14		for the year.
13:11:27	15	Q	Are those kept in a running spreadsheet?
13:11:35	16	A	Yes.
13:11:35	17	Q	Is that spreadsheet in Zimbra?
13:11:41	18	A	I don't know if it is. I'm not responsible for
13:11:45	19		that spreadsheet.
13:11:46	20	Q	Who is responsible for that spreadsheet?
13:11:48	21	A	That would be Lucy Chi.
13:11:55	22	Q	Do you know what Multiven's anticipated sales
13:11:57	23		are in 2010?
13:11:58	24	A	I don't recollect that figure.
13:12:03	25	Q	Would you be responsible for projecting that



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13:12:05 1 figure?

13:12:06 2 A I would be, yes.

13:12:07 3 Q When do you first start projecting anticipated

13:12:15 4 sales for a calendar year?

13:12:17 5 A Sorry, could you repeat the question?

13:12:23 6 Q When do you first start projecting anticipated

13:12:26 7 sales for a calendar year?

13:12:28 8 A In the last two quarters of the previous year.

13:12:33 9 Q Does Multiven keep its books on a calendar year

13:12:39 10 basis?

13:12:39 11 A I can't answer that. I don't know.

13:12:45 12 Q Does Multiven's fiscal year coincide with the

13:12:51 13 calendar year?

13:12:52 14 A No.

13:12:52 15 Q When does Multiven's fiscal year start?

13:12:55 16 A It starts -- I believe it starts in March.

13:12:57 17 Q What were Multiven's total expenses for 2008?

13:13:21 18 A I don't know that figure.

13:13:23 19 [REDACTED]

13:13:30 20 [REDACTED]

13:13:35 21 [REDACTED]

13:13:39 22 [REDACTED]

13:13:42 23 [REDACTED]

13:13:47 24 [REDACTED]

13:13:54 25 MS. ENNS: I'd like to introduce the next exhibit,

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13:13:56        1            number 31.

13:14:02        2            EXHIBIT 31: Zimbra Collaboration Suite document

13:14:30        3            titled "Multiven 2009 Expenses 1. January 2009"

13:14:30        4        MS. ENNS:

13:14:30        5        Q        Do you recognize this document?

13:14:49        6        A        Yes.

13:14:50        7        Q        Is it from a Zimbra notebook?

13:14:57        8        A        Yes.

13:14:58        9        Q        Am I using the correct terminology?

13:14:58       10       A        Yes, you are.

13:15:00       11       Q        It's called a Zimbra notebook?

13:15:03       12       A        Yes.

13:15:04       13       Q        And the name underneath the heading, that is,

13:15:08       14            "1. January 2009," which is lucy@multiven.com,

13:15:13       15            that's who created the document?

13:15:15       16       A        Correct.

13:15:15       17       Q        Is that Lucy Chi?

13:15:17       18       A        Yes.

13:15:18       19       Q        And in the upper right-hand corner where it says

13:15:23       20            deka@multiven.com, that's you?

13:15:24       21       A        Correct.

13:15:25       22       Q        And that means Lucy Chi shared this document

13:15:27       23            with you?

13:15:28       24       A        Yes.

13:15:33       25       Q        Do the expenses for January 2009 look accurate?

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13:15:38 1 A Yes.

13:15:40 2 [REDACTED]

13:15:53 3 [REDACTED]

13:15:58 4 [REDACTED]

13:15:58 5 Q Do you know what that charge is for?

13:16:00 6 A It's for wireless phones.

13:16:03 7 Q Do you see several lines down "Canada expenses"?

13:16:07 8 A Yes.

13:16:07 9 Q Do you know what that's for?

13:16:10 10 A No.

13:16:12 11 Q And the second and third line, the second line

13:16:21 12 being "Multiven workers comp - travelers" and

13:16:26 13 "Pingsta workers comp - travelers." What are

13:16:28 14 those?

13:16:28 15 A That's the Workers' Compensation insurance.

13:16:39 16 MS. ENNS: I'd like to introduce exhibit number 32.

13:16:46 17 EXHIBIT 32: Zimbra Collaboration Suite document

13:17:23 18 titled "Multiven 2009 Expenses 2. February 2009"

13:17:23 19 MS. ENNS:

13:17:23 20 Q Do you recognize this document?

13:17:25 21 A Yes.

13:17:25 22 Q And was it created by Lucy Chi?

13:17:28 23 A Correct.

13:17:28 24 Q And it's a Zimbra notebook document?

13:17:31 25 A Yes.

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13:17:34 1 Q And she shared it with you?

13:17:36 2 A Yes.

13:17:36 3 [REDACTED]

13:17:39 4 [REDACTED]

13:17:43 5 [REDACTED]

13:17:43 6 Q Do you know what that was for?

13:17:45 7 A For a latent job posting.

13:17:50 8 [REDACTED]

13:17:53 9 [REDACTED] [REDACTED]

13:17:55 10 [REDACTED]

13:17:55 11 [REDACTED]

13:17:57 12 [REDACTED]

13:17:58 13 [REDACTED]

13:17:59 14 [REDACTED]

13:18:00 15 [REDACTED]

13:18:08 16 [REDACTED]

13:18:08 17 [REDACTED] [REDACTED]

13:18:12 18 [REDACTED]

13:18:12 19 [REDACTED] [REDACTED] [REDACTED]

13:18:13 20 [REDACTED]

13:18:14 21 [REDACTED] [REDACTED]

13:18:18 22 [REDACTED]

13:18:18 23 [REDACTED] [REDACTED]

13:18:24 24 [REDACTED] [REDACTED] [REDACTED]

13:18:30 25 [REDACTED]

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13:18:31 1 Q Do you know what that means?

13:18:33 2 A I would guess that's for payroll tax for Q1/Q2,

13:18:40 3 2008.

13:18:40 4 [REDACTED]

13:18:42 5 [REDACTED]

13:18:43 6 [REDACTED]

13:19:31 7 MS. ENNS: I'd like to introduce exhibit number 33.

13:19:34 8 EXHIBIT 33: Zimbra Collaboration Suite document

13:19:35 9 titled "Multiven 2009 Expenses 3. March 2009"

13:19:35 10 MS. ENNS:

13:19:35 11 Q Do you recognize this document?

13:19:36 12 A Yes.

13:19:37 13 Q When did Lucy Chi start working at Multiven?

13:19:40 14 A In 2008.

13:19:46 15 Q Does she prepare this type of document every

13:19:50 16 month?

13:19:50 17 A Recently, yes.

13:19:56 18 Q When did she start?

13:19:59 19 A To the best of my memory, in 2009.

13:20:02 20 Q Was this type of document prepared before 2009?

13:20:10 21 A Yes.

13:20:14 22 Q And whose responsibility would it have been to

13:20:18 23 prepare it?

13:20:18 24 A Mine.

13:20:19 25 Q Did you prepare this type of document in

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13:20:25	1		December 2008?
13:20:26	2	A	I cannot recollect.
13:20:31	3	Q	But it would have been your responsibility to do
13:20:37	4		so?
13:20:37	5	A	Correct.
13:20:37	6	Q	When did you start having the responsibility to
13:20:40	7		prepare this type of document?
13:20:44	8	A	To the best of my memory, I think in 2008, 2007.
13:20:54	9	Q	So either 2007 or 2008; is that correct?
13:20:57	10	A	Yes.
13:20:57	11	Q	Can you give me your best estimate of what
13:21:03	12		month?
13:21:03	13	A	Best estimate would have been January 2007.
13:21:10	14	Q	Do you remember creating this type of document
13:21:23	15		in 2007?
13:21:25	16	A	Not in a Zimbra notebook but in an Excel sheet,
13:21:32	17		yes.
13:21:32	18	Q	When did this document -- strike that.
13:21:41	19		When did -- did Multiven switch from Excel
13:21:47	20		to Zimbra at some point?
13:21:51	21	A	For these types of records?
13:21:55	22	Q	For these types of records.
13:21:58	23	A	Yes.
13:21:59	24	Q	Approximately when was that switch?
13:22:04	25	A	I don't remember the exact date.

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13:22:09	1	Q	Can I have your best estimate?
13:22:12	2	A	As soon as this option was available to us. We
13:22:16	3		did not have notebook in Zimbra prior to I think
13:22:19	4		end of 2007.
13:22:20	5	Q	And so for -- while you've worked in finance at
13:22:31	6		Multiven -- while you've helped with finance at
13:22:35	7		Multiven, you've used Excel; is that correct?
13:22:38	8	A	Yes.
13:22:39	9	Q	Was Excel on a network?
13:22:45	10	A	No.
13:22:48	11	Q	Was it local on your machine?
13:22:49	12	A	Yes.
13:22:50	13	Q	And was the computer you were using yours?
13:22:54	14	A	No.
13:22:54	15	Q	Whose computer was it?
13:22:56	16	A	I believe it was Multiven's.
13:23:00	17	Q	What type of computer?
13:23:05	18	A	I've used several computers.
13:23:08	19	Q	What type of computer did you use to make the
13:23:14	20		spreadsheets we were discussing?
13:23:16	21	A	I had access to two company computers. One I
13:23:20	22		believe was an HP, and one was a MacBook.
13:23:25	23	Q	Did both have Excel?
13:23:30	24	A	Yes.
13:23:31	25	Q	Speaking just to the HP computer, does Multiven

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13:23:35	1		still have that computer?
13:23:36	2	A	I don't know.
13:23:38	3	Q	Who would know?
13:23:39	4	A	You would have to ask Lucy Chi.
13:23:44	5	Q	As to the MacBook, does Multiven still have the
13:23:53	6		MacBook?
13:23:55	7	A	Yes.
13:23:55	8	Q	And how do you know?
13:23:56	9	A	That's the one that I currently use.
13:24:05	10	Q	Have you searched that MacBook for documents to
13:24:23	11		be produced in this case?
13:24:25	12	A	No.
13:24:31	13	Q	When did you start using the MacBook?
13:24:34	14	A	I don't recall the exact date.
13:24:41	15	Q	Do you recall when you purchased it?
13:24:43	16	A	The company purchased it.
13:24:45	17	Q	My apologies. Do you remember when the company
13:24:48	18		purchased it?
13:24:48	19	A	No.
13:24:49	20	Q	Do you keep personal documents on the MacBook as
13:25:07	21		well?
13:25:08	22	MR. O'LEARY:	What do you mean by "personal"?
13:25:12	23	MS. ENNS:	
13:25:12	24	Q	Do you keep business documents on the notebook?
13:25:15	25	A	Yes.



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13:25:15	1	Q	Do you keep non-business documents on the
13:25:19	2		notebook?
13:25:19	3	A	Yes.
13:25:20	4	Q	Going back to the exhibit. I believe it's 33.
13:26:09	5		Is this document prepared by Lucy Chi?
13:26:12	6	A	Yes.
13:26:13	7	Q	In the Zimbra notebook?
13:26:17	8	A	Yes.
13:26:19	9	Q	Shared to you?
13:26:19	10	A	With me, yes.
13:26:21	11	MR. O'LEARY:	I can probably stipulate to make it go
13:26:25	12		smoother that based upon the witness's testimony
13:26:27	13		if it says by lucy@multiven in the left-hand
13:26:33	14		side and in the upper right says deka@multiven,
13:26:38	15		that it's been prepared by Lucy and shared with
13:26:41	16		Deka.
13:26:41	17	MS. ENNS:	Thank you.
13:26:43	18	MR. O'LEARY:	And that it's been created in the
13:26:45	19		Zimbra Collaboration Suite.
13:26:48	20	MS. ENNS:	
13:26:48	21	Q	Do you see the last name in the chart, Pingsta,
13:26:54	22		Ming-Chieh Wang?
13:26:55	23	A	Yes.
13:26:55	24	Q	Who is that?
13:26:56	25	A	I believe it's a Pingsta employee. Or was.

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13:26:59      1      [REDACTED]

13:27:04      2      [REDACTED]

13:27:05      3      [REDACTED]

13:27:06      4      Q      So is this expenses for both Multiven and

13:27:10      5              Pingsta?

13:27:10      6      A      It would appear so, yes.

13:27:11      7      Q      And they're combined?

13:27:14      8      A      Yes.

13:27:15      9      MR. O'LEARY: Well, I'll object based upon the fact

13:27:19      10              that they appear to be separated on the sheet.

13:27:22      11      MS. ENNS:

13:27:22      12      Q      Is there a total at the bottom of the chart?

13:27:25      13      A      Yes.

13:27:25      14      Q      And does that combine all of the dollar amounts

13:27:31      15              in the "Credit" column?

13:27:32      16      A      Yes.

13:27:54      17      MS. ENNS: I'd like to introduce exhibit number 34.

13:27:57      18              EXHIBIT 34: Zimbra Collaboration Suite document

13:28:28      19              titled "Multiven 2009 Expenses 4. April 2009"

13:28:28      20      MS. ENNS:

13:28:29      21      [REDACTED]

13:28:31      22      [REDACTED]

13:28:37      23      [REDACTED]

13:28:37      24      [REDACTED]

13:28:38      25      [REDACTED]

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13:28:41	1		[REDACTED]
13:28:43	2	[REDACTED]	[REDACTED]
13:28:48	3	[REDACTED]	[REDACTED]
13:28:48	4	[REDACTED]	[REDACTED]
13:28:57	5	[REDACTED]	[REDACTED]
13:29:00	6	[REDACTED]	[REDACTED]
13:29:02	7	[REDACTED]	[REDACTED]
13:29:04	8	[REDACTED]	[REDACTED]
13:29:06	9	[REDACTED]	[REDACTED]
13:29:07	10	Q	Do you see the second-to-last line where it says
13:29:13	11		"Matt - Exp - SF Meeting Parking"?
13:29:17	12	A	Yes.
13:29:17	13	Q	Does that refer to Matt Goldberg?
13:29:19	14	A	Yes.
13:29:20	15	Q	You used to live at an address on Sand Hill
13:29:43	16		Road; is that correct?
13:29:44	17	A	Sorry, do I still live there?
13:29:46	18	Q	No, you used to?
13:29:47	19	A	I used to, yes.
13:29:48	20	Q	And you had belongings there; correct?
13:29:53	21	A	Correct.
13:29:53	22	Q	And what happened to those belongings?
13:29:56	23	A	They were shipped.
13:30:02	24	Q	And to where were they shipped?
13:30:05	25	A	To Switzerland.

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13:30:08      1      Q      When were they shipped?

13:30:10      2      A      Sometime in March.

13:30:11      3      Q      When do you expect them to arrive?

13:30:13      4      A      They've already arrived.

13:30:24      5      Q      Are there any business-related documents -- were

13:30:30      6                    there any business-related documents in the

13:30:32      7                    container?

13:30:33      8      A      Not that I'm aware of, no.

13:30:35      9      Q      Were there any business-related computers in the

13:30:46      10                   container?

13:30:46      11      A      Not that I'm aware of.

13:31:25      12      MS. ENNS: I'd like to take a five-minute break.

13:31:28      13      VIDEO OPERATOR: Going off record. The time is 1:31.

13:31:35      14                    (PROCEEDINGS RECESSED AT 1:31 P.M.)

13:31:37      15                    (PROCEEDINGS RECONVENED AT 1:43 P.M.)

13:43:40      16      VIDEO OPERATOR: We're back on the record. The time

13:43:44      17                    is 1:43.

13:43:47      18      MS. ENNS:

13:43:49      19      Q      You are employed at Pingsta; correct?

13:43:57      20      A      Yes.

13:43:57      21      Q      Did you help with the finances at Pingsta?

13:43:59      22      A      Yes.

13:44:00      23      ■      [REDACTED]

13:44:08      24      ■      [REDACTED]

13:44:09      25      ■      [REDACTED]

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13:44:13	1	[REDACTED]
13:44:14	2	[REDACTED]
13:44:15	3	[REDACTED]
13:44:18	4	[REDACTED]
13:44:22	5	[REDACTED]
13:44:24	6	[REDACTED]
13:44:25	7	[REDACTED]
13:44:27	8	[REDACTED]
13:44:33	9	[REDACTED]
13:44:33	10	[REDACTED]
13:44:48	11	[REDACTED]
13:44:49	12	[REDACTED]
13:44:53	13	[REDACTED]
13:44:54	14	[REDACTED]
13:44:57	15	[REDACTED]
13:45:01	16	[REDACTED]
13:45:03	17	[REDACTED]
13:45:05	18	[REDACTED]
13:45:05	19	[REDACTED]
13:45:09	20	[REDACTED]
13:45:09	21	[REDACTED]
13:45:10	22	[REDACTED]
13:45:15	23	[REDACTED]
13:45:20	24	Q Pardon?
13:45:22	25	A Sorry, I cannot recollect that.

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13:45:37 1 Q Other than revenue does Pingsta have any  
13:45:42 2 other -- strike that.  
13:45:52 3 Does Pingsta -- Pingsta sells services --  
13:45:59 4 network -- strike that.  
13:46:01 5 Does Pingsta invoice Multiven for -- does  
13:46:07 6 Pingsta invoice Multiven?  
13:46:08 7 A No.  
13:46:13 8 Q Does Multiven make payments to Pingsta?  
13:46:19 9 A Yes.  
13:46:20 10 Q What type of payments?  
13:46:23 11 A For services.  
13:46:24 12 Q How does Multiven know how much to pay Pingsta?  
13:46:30 13 A It's based on usage of Pingsta services.  
13:46:35 14 Q And what are the terms of usage? For example,  
13:46:45 15 is it by the hour?  
13:46:47 16 A In some cases, yes.  
13:46:48 17 Q And what's paid by the hour?  
13:46:50 18 A Consulting services.  
13:46:51 19 Q And what's not paid by the hour?  
13:46:55 20 A Break/fix and R and D.  
13:46:58 21 [REDACTED]  
13:47:06 22 [REDACTED]  
13:47:06 23 [REDACTED]  
13:47:10 24 [REDACTED]  
13:47:12 25 [REDACTED]

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13:47:12 1 Q And how much does Multiven pay for R and D?  
13:47:16 2 A It's based on projects.  
13:47:20 3 Q And has Multiven used Pingsta for R and D?  
13:47:30 4 A No.  
13:47:30 5 Q And has Multiven used Pingsta for consulting?  
13:47:39 6 A Yes.  
13:47:39 7 Q And how is that compensated?  
13:47:43 8 A Per hour.  
13:47:44 9 [REDACTED]  
13:47:45 10 [REDACTED]  
13:47:49 11 [REDACTED]  
13:48:06 12 [REDACTED]  
13:48:08 13 [REDACTED]  
13:48:08 14 [REDACTED]  
13:48:15 15 [REDACTED]  
13:48:17 16 [REDACTED]  
13:48:26 17 MS. ENNS: I'd like to introduce exhibit number 35.  
13:48:29 18 EXHIBIT 35: Zimbra Collaboration Suite document  
13:49:01 19 titled "Cisco Worldwide Partners - 2005"  
13:49:01 20 MS. ENNS:  
13:49:02 21 Q Is this a Zimbra notebook page?  
13:49:04 22 A Yes.  
13:49:04 23 Q And who is the author of this document?  
13:49:08 24 A Adekeye@multiven.  
13:49:12 25 Q And who is adekeye@multiven.com?

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13:49:17	1	A	That would be Peter Adekeye.
13:49:19	2	Q	And do you see the first bullet?
13:49:21	3	A	Yes.
13:49:22	4	Q	What does that line mean?
13:49:24	5	A	It says "gold." I don't know what it means.
13:49:27	6	Q	And where it says "https://" and then it has a
13:49:36	7		bunch of other -- you do not know what that
13:49:37	8		means?
13:49:37	9	A	It appears to be a link of some sort.
13:49:40	10	Q	Do you know what the suffix ".xls" means?
13:49:47	11	A	I would speculate that means Excel sheet.
13:49:50	12	Q	Is that your best estimate, or is that a guess?
13:49:56	13	A	That's a guess.
13:49:57	14	Q	Have you seen this document before?
13:49:59	15	A	Not that I can recall.
13:50:10	16	Q	So at the top where it says "OEM partners -
13:50:15	17		confidential" --
13:50:16	18	A	Yes.
13:50:16	19	Q	-- is that the name of the file in Zimbra?
13:50:19	20	A	I'm not sure. There appear to be two titles.
13:50:26	21	Q	Can you search in Zimbra by title?
13:50:30	22	A	Yes. By key words.
13:50:34	23	Q	And does Zimbra assign an identifying document
13:50:41	24		number to items in the notebook?
13:50:44	25	A	Not that I know of, no.



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13:50:45	1	Q	So when you open Zimbra notebook, how do you
13:50:52	2		know -- how do you find a document to open?
13:50:56	3	A	Sorry, could you repeat the question? I'm
13:51:03	4		trying to understand.
13:51:03	5	Q	When you open notebook --
13:51:05	6	A	Yes.
13:51:05	7	Q	-- how do you -- if I wanted to find this
13:51:09	8		document, for example, using its title, how
13:51:12	9		would I do that?
13:51:12	10	A	There's a search bar in which you put the key
13:51:16	11		words. So for instance, if you wanted to find a
13:51:20	12		notebook about deposition, you would type in the
13:51:26	13		key word "deposition," and Zimbra will pull out
13:51:28	14		e-mails and all documents that have that key
13:51:31	15		word in it.
13:51:32	16	Q	So in addition to the notebook capacity -- so it
13:51:36	17		has e-mail and notebook --
13:51:37	18	A	E-mail, notebook and it might pull up briefcase
13:51:43	19		titles as well.
13:51:43	20	Q	What is briefcase?
13:51:45	21	A	Briefcase is a repository of documents. So you
13:51:50	22		upload documents into a briefcase, a Zimbra
13:51:53	23		briefcase.
13:51:53	24	Q	Would you upload them from notebook?
13:51:55	25	A	No, you would upload them from your hard drive.

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13:51:59 1 So for instance, if you have a Word document,  
13:52:01 2 you could upload that into a briefcase and share  
13:52:03 3 it with other people.  
13:52:05 4 Q Oh, but you couldn't upload a Word document into  
13:52:11 5 notebook?  
13:52:12 6 A That's correct.  
13:52:13 7 Q So would this be a briefcase or a notebook?  
13:52:16 8 A I couldn't tell you.  
13:52:21 9 Q Is there a way --  
13:52:22 10 A It would appear to be a notebook, but I'm not  
13:52:26 11 sure. Could be a briefcase.  
13:52:28 12 Q So a briefcase wouldn't necessarily look  
13:52:31 13 different?  
13:52:31 14 A No, it will just be labelled briefcase in your  
13:52:35 15 Zimbra suite.  
13:52:36 16 Q But not on a printout?  
13:52:43 17 A No, I don't think.  
13:52:45 18 Q Okay.  
13:52:48 19 A But I wouldn't know either way because I've  
13:52:51 20 never printed documents from Zimbra, so I  
13:52:53 21 wouldn't know if it spells out notebook or  
13:52:58 22 briefcase.  
13:52:58 23 Q And other than Zimbra, are there any other  
13:53:07 24 suites of products that are used at Multiven?  
13:53:10 25 A No. Zimbra is the main collaboration suite that

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13:53:15	1		we use to exchange e-mails.
13:53:20	2	Q	But you said "main collaboration." Are there
13:53:24	3		others?
13:53:24	4	A	We use Skype for calls.
13:53:25	5	Q	Anything else?
13:53:28	6	A	Those are the two that I can think of.
13:53:30	7	Q	How about Pingsta? Do you use Zimbra for
13:53:34	8		Pingsta?
13:53:35	9	A	Yes.
13:53:35	10	Q	Do you use Skype for Pingsta?
13:53:37	11	A	Yes.
13:53:38	12	Q	Anything else?
13:53:38	13	A	No.
13:53:39	14	Q	Going back to the exhibit before you. Does this
13:53:51	15		suggest that spreadsheets are attached to the
13:53:55	16		notebook?
13:53:55	17	A	That would be my assumption, yes.
13:53:58	18	Q	And would the spreadsheets come from someone's
13:54:05	19		hard drive?
13:54:05	20	A	I don't know that.
13:54:07	21	Q	And do you know what MV2.Multiven.com is?
13:54:20	22	A	That would be a server.
13:54:21	23	Q	A Multiven server?
13:54:22	24	A	Yes, Multiven server.
13:54:23	25	Q	Is that one of the servers that's located in

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13:54:26	1	San Jose?
13:54:27	2	A I believe so, yes.
13:54:28	3	Q And after it says "/Hung." Do you know what
13:54:34	4	that means?
13:54:35	5	A No.
13:54:35	6	Q And then it says "/Adekeye." Do you know what
13:54:39	7	that means?
13:54:40	8	A No.
13:55:00	9	MS. ENNS: I'd like to introduce exhibit number 36.
13:55:27	10	EXHIBIT 36: Zimbra Collaboration Suite document
13:55:27	11	titled "Multiven 2009 Expenses 5. May 2009"
13:55:27	12	MS. ENNS:
13:55:27	13	Q Do you recognize this document?
13:55:29	14	A It appears to be a notebook in Zimbra.
13:55:32	15	Q And do you see on the second-to-last line and
13:55:36	16	the third-to-last line there's a reference to
13:55:40	17	Gennaro? I don't know if I'm pronouncing that
13:55:44	18	correctly.
13:55:45	19	A Yes.
13:55:45	20	Q And who is that?
13:55:48	21	A That is Gennaro Giachetta.
13:55:54	22	Q And who is he?
13:55:55	23	A He was a Multiven employee. Contractor.
13:55:57	24	Q He was a contractor?
13:55:59	25	A An employee. He was acting as Multiven sales in

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13:56:03	1		Europe.
13:56:03	2	Q	Was he salaried?
13:56:05	3	A	Yes.
13:56:05	4	Q	And when was he hired?
13:56:07	5	A	I don't recall the exact date.
13:56:09	6	Q	And you said that he is no longer with Multiven?
13:56:13	7	A	That's correct.
13:56:14	8	Q	And when did he separate from Multiven?
13:56:17	9	A	Sometime in February 2010.
13:56:20	10	Q	Did he resign?
13:56:21	11	A	No.
13:56:22	12	Q	Was he terminated?
13:56:23	13	A	Yes.
13:56:38	14	MS. ENNS:	I'd like to introduce exhibit number 37.
13:56:56	15		EXHIBIT 37: Zimbra Collaboration Suite document
13:56:56	16		titled "Multiven 2009 Expenses 6. June 2009"
13:56:56	17	MS. ENNS:	
13:56:56	18	Q	Do you recognize this type of document?
13:57:01	19	A	Yes.
13:57:01	20	Q	What is it?
13:57:02	21	A	It appears to be a Zimbra notebook.
13:57:04	22	Q	And do you see -- there's two entries --
13:57:07	23		actually, there's three entries for July 11th.
13:57:10	24		Two of them start out "SVB franchise tax board"?
13:57:13	25	A	Yes.

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13:57:13 1 Q Do you know what those entries are for?

13:57:16 2 A No.

13:57:17 3 Q Do you know who would?

13:57:21 4 A Lucy. Lucy Chi.

13:57:24 5 Q Does anyone help Lucy in preparing these

13:57:27 6 documents?

13:57:27 7 A No.

13:57:36 8 MS. ENNS: I'd like to introduce exhibit number 38.

13:57:56 9 EXHIBIT 38: Zimbra Collaboration Suite document

13:57:57 10 titled "Multiven 2009 Expenses 8. August 2009"

13:57:57 11 MS. ENNS:

13:57:57 12 Q Do you recognize this document?

13:57:58 13 A Yes.

13:57:58 14 [REDACTED]

13:58:04 15 [REDACTED]

13:58:04 16 [REDACTED]

13:58:04 17 [REDACTED]

13:58:11 18 [REDACTED]

13:58:12 19 [REDACTED]

13:58:12 20 [REDACTED]

13:58:19 21 [REDACTED] [REDACTED] [REDACTED]

13:58:22 22 [REDACTED]

13:58:23 23 [REDACTED]

13:58:30 24 [REDACTED]

13:58:31 25 [REDACTED] [REDACTED] [REDACTED]

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13:58:34	1	[REDACTED]
13:58:36	2	[REDACTED] [REDACTED]
13:58:41	3	[REDACTED] [REDACTED]
13:58:44	4	[REDACTED] [REDACTED] [REDACTED]
13:58:47	5	[REDACTED]
13:58:47	6	[REDACTED] [REDACTED]
13:58:50	7	[REDACTED] [REDACTED] [REDACTED]
13:58:54	8	[REDACTED]
13:58:54	9	[REDACTED]
13:58:58	10	[REDACTED]
13:58:58	11	[REDACTED]
13:59:00	12	[REDACTED]
13:59:03	13	[REDACTED]
13:59:03	14	[REDACTED]
13:59:04	15	[REDACTED]
13:59:08	16	[REDACTED]
13:59:10	17	[REDACTED] [REDACTED]
13:59:12	18	[REDACTED] [REDACTED]
13:59:41	19	[REDACTED]
13:59:41	20	[REDACTED]
13:59:43	21	[REDACTED]
13:59:43	22	[REDACTED] [REDACTED]
13:59:46	23	[REDACTED]
13:59:46	24	[REDACTED]
13:59:49	25	[REDACTED]

13:59:51 1 [REDACTED]

13:59:54 2 [REDACTED]

13:59:54 3 [REDACTED]

13:59:56 4 [REDACTED]

13:59:56 5 Q Are there projections for how much gross revenue

14:00:03 6 Pingsta will bring in for 2010?

14:00:05 7 A There could be. I don't know.

14:00:08 8 Q Is Ashley Lovato an employee of Pingsta?

14:00:30 9 A She's no longer an employee of Pingsta.

14:00:33 10 Q When did she separate from Pingsta?

14:00:35 11 A Sometime in 2009.

14:00:37 12 Q Is Erika Sosa an employee of Pingsta?

14:00:46 13 A Yes.

14:00:46 14 Q When did she start working for Pingsta?

14:00:49 15 A I don't remember the exact date.

14:00:51 16 Q And she was an employee, not an independent

14:00:55 17 contractor; correct?

14:00:55 18 A Correct.

14:00:56 19 Q And the same for Ashley Lovato? She was an

14:01:00 20 employee, not an independent contractor?

14:01:02 21 A Correct.

14:01:03 22 Q Did Ashley Lovato start as an intern at Pingsta?

14:01:06 23 A Yes.

14:01:06 24 Q Do you know when she started as an intern?

14:01:08 25 A Sometime in 2008.



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14:01:09	1	Q	Was Erika Sosa an intern before she was hired at
14:01:15	2		Pingsta?
14:01:16	3	A	Yes.
14:01:16	4	Q	And when was she an intern?
14:01:18	5	A	I don't recall the exact date.
14:01:20	6	Q	Is Tobi Knaup, K-n-a-u-p, an employee of
14:01:25	7		Pingsta?
14:01:25	8	A	Yes.
14:01:26	9	Q	And when was he hired?
14:01:28	10	A	I don't remember the exact date.
14:01:30	11	Q	Was he an intern before he started at Pingsta?
14:01:33	12	A	Yes.
14:01:33	13	Q	Is he still employed at Pingsta?
14:01:36	14	A	Yes.
14:01:36	15	Q	Is Ping Li -- L-i?
14:01:43	16	A	Yes.
14:01:46	17	Q	Is it a she or a he?
14:01:48	18	A	She.
14:01:48	19	Q	Is she an employee of Pingsta?
14:01:50	20	A	Yes.
14:01:50	21	Q	And when was she hired?
14:01:53	22	A	I don't recall the exact date.
14:01:56	23	Q	Was she an intern before she was hired at
14:02:00	24		Pingsta?
14:02:00	25	A	I believe she was.

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14:02:01	1	Q	And does she still work at Pingsta?
14:02:04	2	A	Yes.
14:02:05	3	Q	Did Ashley Lovato work in the Redwood City
14:02:10	4		office?
14:02:10	5	A	Yes.
14:02:10	6	Q	Has she worked at any of Multiven's other
14:02:15	7		offices?
14:02:15	8	A	No.
14:02:17	9	Q	Other than the office in Switzerland, are there
14:02:19	10		any other Multiven offices?
14:02:20	11	A	No.
14:02:21	12	Q	Has Erika Sosa worked anywhere other than the
14:02:28	13		Redwood City office?
14:02:29	14	A	No.
14:02:30	15	Q	How about Tobi Knaup?
14:02:33	16	A	No, he did not work at other offices.
14:02:35	17	Q	How about Ping Li?
14:02:37	18	A	No.
14:02:38	19	Q	Does Multiven have a vice-president of sales
14:03:24	20		currently?
14:03:27	21	A	No.
14:03:33	22	Q	Has Multiven ever had a vice-president of sales?
14:03:36	23	A	Yes.
14:03:36	24	Q	Who was the most recent vice-president of sales?
14:03:39	25	A	That would be Kevin Scheier.

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14:03:43	1	Q	And when did Kevin Scheier separate from
14:03:45	2		Multiven?
14:03:46	3	A	Sometime in February 2010.
14:03:48	4	Q	And when was Kevin Scheier hired?
14:03:50	5	A	I don't recall the exact date.
14:03:52	6	Q	And did Kevin Scheier resign?
14:03:57	7	A	No.
14:03:57	8	Q	Was he terminated?
14:04:05	9	A	His contract came at its end, I think, and was
14:04:09	10		not renewed.
14:04:10	11	Q	So he was an independent contractor?
14:04:11	12	A	I don't recall the specifics of these engagement
14:04:15	13		terms with Multiven.
14:04:15	14	Q	Do you know how much he was paid while at
14:04:24	15		Multiven?
14:04:24	16	A	I don't recall that figure.
14:04:25	17	Q	But he had a contract --
14:04:30	18	A	Yes.
14:04:30	19	Q	-- with Multiven?
14:04:33	20		Did Mr. Scheier do any work for Pingsta?
14:04:36	21	A	I'm not aware of that.
14:04:39	22	Q	Does Ashley Lovato -- did Ashley Lovato do any
14:04:48	23		work for Multiven?
14:04:49	24	A	I don't recollect.
14:04:52	25	Q	Did Erika Sosa?

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14:04:54	1	A	Not that I know of.
14:04:55	2	Q	Tobi Knaup?
14:05:01	3	A	Same answer. Not that I can recollect.
14:05:05	4	Q	And Ping Li?
14:05:08	5	A	I don't recollect.
14:05:10	6	MS. ENNS:	I'd like to introduce exhibit number 39.
14:05:16	7		EXHIBIT 39: Zimbra Collaboration Suite document
14:05:16	8		titled "Allegations: Petitioner - Pingsta,
14:05:34	9		Beneficiary - Dekka Yussuf"
14:05:34	10	MS. ENNS:	
14:05:35	11	Q	Is this a Zimbra notebook document?
14:06:00	12	A	It appears to be, yes.
14:06:02	13	Q	And it was created by you?
14:06:05	14	A	Correct.
14:06:06	15	Q	And so with your name in the upper right-hand
14:06:11	16		corner, what does that mean?
14:06:12	17	A	That this was probably retrieved from my inbox,
14:06:16	18		from my Zimbra inbox.
14:06:18	19	Q	And do you recognize this document?
14:06:21	20	A	Yes.
14:06:22	21	Q	What's it about?
14:06:23	22	A	It's about documentation regarding my H1 visa.
14:06:34	23	Q	What's an H1 visa?
14:06:36	24	A	An H1 visa is a working visa granted to
14:06:41	25		employees of a company to remain in the United

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14:06:44	1	States.
14:06:44	2	Q    And why does it say "petitioner"?
14:06:50	3	A    "Petitioner" is the company that files that
14:06:54	4	visa.
14:06:54	5	Q    And then the beneficiary is the employee?
14:06:58	6	A    The employee, yes.
14:07:08	7	Q    And so you had an H1B visa granted?
14:07:14	8	A    Correct.
14:07:15	9	Q    And then it was revoked?
14:07:17	10	A    Correct.
14:07:18	11	Q    And when was it revoked?
14:07:20	12	A    I don't remember the exact date.
14:07:25	13	Q    And what happened after the visa was revoked?
14:07:34	14	Have you filed an appeal --
14:07:36	15	A    Yes.
14:07:36	16	Q    -- of the revocation?
14:07:37	17	A    Yes.
14:07:38	18	Q    And has that appeal been resolved?
14:07:40	19	A    No.
14:07:40	20	Q    And before what body is that appeal pending?
14:07:45	21	A    I have no idea.. My guess would be the
14:07:55	22	immigration department.
14:07:57	23	Q    And do you see where it says in the first
14:08:10	24	paragraph:
14:08:13	25	"... this protracted visa administrative

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14:09:34 1 [REDACTED] [REDACTED]  
14:09:40 2 [REDACTED]  
14:09:41 3 [REDACTED]  
14:09:41 4 [REDACTED] --  
14:09:42 5 [REDACTED]  
14:09:42 6 [REDACTED] -- [REDACTED] [REDACTED]  
14:09:44 7 [REDACTED]  
14:09:44 8 [REDACTED] [REDACTED]  
14:09:45 9 [REDACTED]  
14:09:47 10 Q And at the time how many US citizen employees  
14:09:49 11 did Pingsta have?  
14:09:50 12 A At the time I do not recall the number, but  
14:09:58 13 Ashley Lovato was one of them.  
14:10:01 14 Q In the third paragraph do you see where it says  
14:10:07 15 Pingsta is a software company?  
14:10:14 16 A No, I do not see that.  
14:10:14 17 Q The third-from-the-last line that starts:  
14:10:15 18 "This is false. Pingsta is a software  
14:10:19 19 company."  
14:10:20 20 A Right.  
14:10:20 21 Q What software does Pingsta -- does Pingsta  
14:10:23 22 create software?  
14:10:25 23 A Not that I'm aware of.  
14:10:29 24 Q How is Pingsta a software company?  
14:10:33 25 A It's part of our road map to develop a software.

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14:10:37	1	Q	So does that mean Pingsta will be a software
14:10:42	2		company?
14:10:43	3	A	Eventually, yes.
14:10:48	4	Q	But today is Pingsta a software company?
14:10:51	5	A	It's a services organization.
14:10:54	6	Q	But is -- does Pingsta currently -- is Pingsta
14:11:00	7		currently a software company?
14:11:03	8	A	I would have to defer to Mr. Adekeye on that.
14:11:13	9	Q	So you don't know whether Pingsta has started
14:11:16	10		developing software?
14:11:16	11	A	No. I'm not involved with the software
14:11:19	12		development aspect of the business.
14:11:21	13	Q	Do you see in the next line where it says that
14:11:30	14		Pingsta sustains Fortune 500 corporations --
14:11:35	15		sorry, it says "to power and sustain" -- excuse
14:11:37	16		me -- "Fortune 500 corporations."
14:11:41	17	A	Yes.
14:11:42	18	Q	Which Fortune 500 corporations was this
14:11:45	19		referring to?
14:11:47	20	A	Those would be Multiven's clients.
14:11:49	21	Q	And which Fortune 500 corporations were
14:11:52	22		Multiven's clients at the time?
14:11:52	23	A	As stated on our website, I believe
14:11:54	24		Alcatel-Lucent was one of those companies.
14:11:56	25	Q	Any others?



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14:11:57 1 A Not off the top of my head.

14:12:13 2 Q And in the next paragraph, five lines from the

14:12:22 3 bottom, it starts off:

14:12:25 4 "Pingsta is a real and viable US company.

14:12:28 5 Please see attached e-mail correspondence

14:12:30 6 with vice-consul Thomas ..."

14:12:34 7 Do you see where it says that?

14:12:35 8 A Yes.

14:12:36 9 Q And what is "attached e-mail correspondence"

14:12:41 10 referring to?

14:12:42 11 A Documents that Vice-Consul Thomas Justen asked

14:12:45 12 for, requested.

14:12:46 13 Q So this document isn't an e-mail?

14:12:51 14 A The documents that were provided to the

14:12:53 15 vice-consul?

14:12:55 16 Q No, I'm saying this exhibit is a notebook;

14:12:58 17 correct?

14:12:58 18 A This is a notebook, yes.

14:12:59 19 Q And so but it references attached e-mails. Can

14:13:01 20 you attach e-mails to a notebook?

14:13:03 21 A No, I think the attached e-mail

14:13:07 22 correspondence --

14:13:08 23 Q Because it says "please see the attached e-mail

14:13:10 24 correspondence."

14:13:11 25 A I believe this is a draft of the notes that were

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14:13:15      1            going to go into the appeal, and so that  
14:13:17      2            specific attachment would have been an addendum  
14:13:19      3            to the formal response to the immigration  
14:13:22      4            revocation letter. But there's no attachment to  
14:13:28      5            this specific notebook. These are just notes, a  
14:13:32      6            draft of the content.  
14:13:33      7      Q        And so the final was submitted as part of the  
14:13:35      8            appeal?  
14:13:36      9      A        Correct.  
14:13:37      10     Q        And do you know whether any documents related to  
14:13:42      11            the appeal have been provided to Cisco's  
14:13:45      12            counsel, us?  
14:13:46      13     A        I don't know that.  
14:13:49      14     MR. O'LEARY: If any documents related to the  
14:13:53      15            immigration appeal --  
14:13:55      16     MS. ENNS: Right. Have been provided to Cisco's  
14:13:56      17            counsel.  
14:13:56      18     MR. O'LEARY: No, I think we have specifically not  
14:13:58      19            provided them. They're subject to a motion to  
14:14:02      20            compel.  
14:14:15      21     MS. ENNS:  
14:14:15      22     Q        Do you see the reference in this paragraph to  
14:14:17      23            the E-2 visa application?  
14:14:19      24     A        Yes.  
14:14:20      25     Q        Do you know what that is referring to?

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14:14:21	1	A	It's referring to an application we filed for an
14:14:24	2		E-2 visa.
14:14:25	3	Q	And when you say "we," to whom are you
14:14:27	4		referring?
14:14:28	5	A	This would be Mr. Adekeye and myself.
14:14:30	6	Q	And you both applied for the visa?
14:14:32	7	A	He was a primary applicant, yes.
14:14:35	8	Q	And so then how did you fit in if he was the
14:14:39	9		primary applicant?
14:14:40	10	A	I was the spouse.
14:14:41	11	Q	And the E-2 visa -- when did you apply for the
14:14:46	12		E-2 visa?
14:14:47	13	A	I don't recall the exact date.
14:14:52	14	Q	And what happened with the E-2 visa?
14:14:55	15	A	It was denied.
14:14:56	16	Q	When was it denied?
14:14:58	17	A	Sorry, my mistake. It was initially approved by
14:15:02	18		the USCIS, but subsequently a year and a half
14:15:06	19		later, I believe, when we went to the US
14:15:08	20		consulate in London, it was then denied.
14:15:15	21	Q	And why was it denied?
14:15:17	22	A	I don't know the exact details.
14:15:23	23	Q	And did you appeal the denial of that visa?
14:15:27	24	A	There's no appeal process for that.
14:15:42	25	Q	And when did you start working for Pingsta?

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14:15:46 1 A I believe that was 2007.

14:15:47 2 Q And have you worked at Pingsta since it started?

14:15:53 3 A Yes.

14:15:53 4 Q Did you do any work prior to Pingsta's

14:15:59 5 incorporation, getting ready to incorporate

14:16:02 6 Pingsta?

14:16:02 7 A I don't recall that.

14:16:14 8 MS. ENNS: I'd like to introduce the next exhibit,

14:16:33 9 number 40.

14:16:34 10 EXHIBIT 40: Zimbra Collaboration Suite document

14:16:53 11 titled "Allegations/Questions"

14:16:53 12 MS. ENNS:

14:16:53 13 Q Have you had a chance to read the exhibit?

14:16:55 14 A I glanced at it, yes.

14:16:57 15 Q And this is a Zimbra notebook document?

14:16:59 16 A It appears so, yes.

14:17:01 17 Q And do you know what the H over -- do you see at

14:17:05 18 the top where it says "Multiven"?

14:17:07 19 A Yes.

14:17:07 20 Q Do you know what the H above "Multiven" means?

14:17:11 21 A It could be a title of some sort.

14:17:14 22 Q And this was created by you?

14:17:16 23 A Yes.

14:17:16 24 Q And the name in the upper right-hand corner

14:17:19 25 suggests that this came out of your inbox?

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14:17:20	1	A	Correct.
14:17:21	2	Q	And is Multiven -- at the time that the --
14:17:33	3		Do you recognize this document?
14:17:34	4	A	Yes.
14:17:34	5	Q	What is it?
14:17:35	6	A	It's a notebook.
14:17:39	7	Q	And what's the subject of the notebook?
14:17:41	8	A	I believe this is in regards to the H visa
14:17:50	9		revocation.
14:17:50	10	Q	The revocation as to Mr. Adekeye?
14:17:53	11	A	Correct.
14:17:54	12	Q	And you drafted the response; correct?
14:17:56	13	A	Yes.
14:17:59	14	Q	And at the time you drafted the response was
14:18:05	15		Multiven a multi-departmental corporation?
14:18:10	16	A	I believe so, yes.
14:18:11	17	Q	Today is Multiven a multi-departmental
14:18:14	18		corporation?
14:18:14	19	A	Yes.
14:18:15	20	Q	When it started was it a multi-departmental
14:18:19	21		corporation?
14:18:19	22	A	I don't know that.
14:18:21	23	Q	And what does it mean to be a multi-departmental
14:18:25	24		corporation?
14:18:25	25	A	That there are several departments within the

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14:18:28	1		organization.
14:18:28	2	■	[REDACTED]
14:18:42	3		[REDACTED]
14:18:47	4		[REDACTED]
14:18:50	5		[REDACTED] [REDACTED] [REDACTED]
14:18:54	6		[REDACTED]
14:18:55	7	■	[REDACTED]
14:18:55	8	■	[REDACTED]
14:18:59	9		[REDACTED]
14:19:00	10	■	[REDACTED] [REDACTED]
14:19:01	11	■	[REDACTED]
14:19:05	12	■	[REDACTED]
14:19:09	13		[REDACTED]
14:19:09	14	■	[REDACTED]
14:19:17	15		[REDACTED]
14:19:19	16	■	[REDACTED] [REDACTED]
14:19:20	17	■	[REDACTED]
14:19:23	18	■	[REDACTED]
14:19:24	19	■	[REDACTED]
14:19:28	20	■	[REDACTED]
14:19:28	21	■	[REDACTED]
14:19:31	22	■	[REDACTED]
14:19:32	23	■	[REDACTED]
14:19:34	24	■	[REDACTED]
14:19:49	25	Q	Do you see in the third-to-last paragraph where

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14:19:52 1 it discusses employee compensation?

14:19:59 2 A Third to last ...

14:20:01 3 Q The paragraph starts:

14:20:03 4 "Further review of tax returns

14:20:06 5 indicated ..."

14:20:07 6 A Right.

14:20:07 7 [REDACTED] -- [REDACTED]

14:20:10 8 [REDACTED]

14:20:12 9 [REDACTED]

14:20:16 10 [REDACTED]

14:20:19 11 [REDACTED]

14:20:19 12 [REDACTED]

14:20:22 13 [REDACTED]

14:20:25 14 [REDACTED]

14:20:27 15 [REDACTED]

14:20:28 16 [REDACTED]

14:20:28 17 [REDACTED]

14:20:29 18 [REDACTED]

14:20:30 19 Q In your role as an executive at Multiven, who do

14:20:44 20 you supervise currently?

14:20:46 21 A I supervise Lucy Chi, Jon Campos and a number of

14:20:58 22 trainees and interns and employees.

14:21:01 23 Q And trainees. Who are the current trainees?

14:21:04 24 A Currently that would be Todd Laughlin, I

14:21:18 25 believe.

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14:21:18	1	Q	Anyone else?
14:21:20	2	A	No.
14:21:20	3	Q	Is there a difference between a trainee and an
14:21:23	4		intern?
14:21:23	5	A	Yes.
14:21:23	6	Q	What is it?
14:21:24	7	A	A trainee is paid, compensated per hour, and is
14:21:31	8		responsible for certain deliverables.
14:21:34	9	Q	Are interns paid?
14:21:35	10	A	In some cases, yes.
14:21:38	11	Q	In what cases?
14:21:40	12	A	When an intern possesses expertise or knowledge,
14:21:49	13		for instance in terms of engineering or software
14:21:53	14		development, they tend to generally be
14:21:56	15		compensated.
14:21:56	16	Q	Are any of the interns that you supervise today
14:22:00	17		compensated?
14:22:01	18	A	Yes.
14:22:02	19	Q	Which ones?
14:22:03	20	A	Jon Campos.
14:22:05	21	Q	And what does Jon Campos -- does he have
14:22:13	22		deliverables?
14:22:14	23	A	Yes.
14:22:14	24	Q	What are they?
14:22:15	25	A	Sales.



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14:22:17	1	Q	Anything else?
14:22:17	2	A	Mostly sales.
14:22:19	3	Q	Are there any other interns that you currently
14:22:23	4		supervise?
14:22:24	5	A	No.
14:22:25	6	Q	Are there any other employees other than
14:22:29	7		Lucy Chi that you supervise?
14:22:31	8	A	At Multiven?
14:22:33	9	Q	At Multiven.
14:22:34	10	A	No.
14:22:34	11	Q	And now I'll move on to Pingsta.
14:22:40	12		Are there any employees that you currently
14:22:42	13		supervise at Pingsta?
14:22:44	14	A	Yes.
14:22:45	15	Q	Who are they?
14:22:45	16	A	Erika Sosa.
14:22:47	17	Q	Anyone else?
14:22:47	18	A	No.
14:22:48	19	Q	Are there any trainees that you supervise at
14:22:52	20		Pingsta?
14:22:52	21	A	Yes.
14:22:52	22	Q	Who are they?
14:22:53	23	A	Barney Garcia.
14:22:56	24	Q	Anyone else?
14:22:58	25	A	No.

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14:22:58	1	Q	And are there any interns you supervise at
14:23:02	2		Pingsta?
14:23:02	3	A	No.
14:23:03	4	Q	And does -- just to confirm, Pingsta has the
14:23:10	5		same distinction between trainee and intern?
14:23:12	6	A	Yes.
14:23:13	7	Q	Do the interns have a set time period for their
14:23:22	8		internship?
14:23:23	9	A	Yes.
14:23:23	10	Q	And what's that time period?
14:23:25	11	A	Typically 90 days.
14:23:28	12	Q	Are there exceptions?
14:23:29	13	A	Yes.
14:23:30	14	Q	Is Jon Campos an exception?
14:23:32	15	A	Yes.
14:23:33	16	Q	For trainees is there typically a standard
14:23:38	17		period that someone is a trainee?
14:23:39	18	A	Yes.
14:23:40	19	Q	For both -- for Multiven?
14:23:42	20	A	Yes.
14:23:42	21	Q	For Pingsta?
14:23:43	22	A	Yes.
14:23:43	23	Q	And what is that period?
14:23:45	24	A	90 days.
14:23:46	25	Q	And are there exceptions to that?

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14:23:48	1	A	Yes.
14:23:49	2	Q	Are there any exceptions currently?
14:23:51	3	A	I can't recall.
14:23:56	4	Q	Does Multiven have a formal internship program?
14:24:05	5	A	Yes.
14:24:05	6	Q	And what is it called?
14:24:07	7	A	Multiven internship program.
14:24:09	8	Q	Does Pingsta have an internship program?
14:24:11	9	A	Yes.
14:24:11	10	Q	And is it called the Pingsta internship program?
14:24:15	11	A	Correct.
14:24:16	12	Q	And that covers interns and trainees?
14:24:18	13	A	No, that's just interns. The holistic program
14:24:22	14		is called intern-to-stakeholder program.
14:24:25	15	Q	And what's the intern-to-stakeholder program?
14:24:30	16	A	It comprises of three phases. The first phase
14:24:34	17		is the first 90 days of internship, and then
14:24:37	18		another 90 days of training, and then at that
14:24:39	19		point the potential candidate is hired and
14:24:43	20		becomes a stakeholder.
14:24:46	21	Q	And how many employees have been hired through
14:24:48	22		the program?
14:24:49	23	A	I don't know that figure.
14:24:50	24	Q	Was Erika Sosa hired through that program?
14:24:57	25	A	Yes.

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14:24:57        1        Q        Was Ashley Lovato hired through that program?

14:25:01        2        A        Yes.

14:25:01        3        Q        Anyone else you can think of off the top of your

14:25:05        4                head?

14:25:05        5        A        Lucy Chi.

14:25:05        6        Q        Anyone else?

14:25:06        7        A        Nobody else that I can think of right now.

14:25:34        8        MS. ENNS: I'd like to take a short break.

14:25:36        9        VIDEO OPERATOR: Going off record. The time is 2:25.

14:25:39       10                (PROCEEDINGS RECESSED AT 2:25 P.M.)

14:25:40       11                (PROCEEDINGS RECONVENED AT 2:33 P.M.)

14:33:19       12        VIDEO OPERATOR: We're back on the record. The time

14:33:29       13                is 2:33.

14:33:34       14        MS. ENNS:

14:33:34       15        Q        At Multiven you are responsible for sales; is

14:33:36       16                that correct?

14:33:37       17        A        No.

14:33:38       18        Q        Do you work in sales at Multiven?

14:33:44       19        A        I'm involved with sales at times, yes.

14:33:48       20        Q        And at what times are you involved with sales?

14:33:50       21        A        When there isn't a VP of sale.

14:33:54       22        Q        So you've been involved in sales since

14:34:01       23                Mr. Scheier is no longer with the company?

14:34:03       24        A        Correct.

14:34:03       25        Q        So that would be roughly February of 2010 to the

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14:34:06 1 present?

14:34:06 2 A For this year, yes.

14:34:08 3 Q And then he started with Multiven I believe it

14:34:13 4 was October of 2009?

14:34:14 5 A I don't know the exact date.

14:34:17 6 Q But was there -- when was the -- prior to

14:34:21 7 Mr. Scheier when was the prior vice-president of

14:34:23 8 sales -- who was the prior vice-president of

14:34:26 9 sales?

14:34:26 10 A I believe that's James Light.

14:34:30 11 Q And --

14:34:35 12 A If I'm not mistaken.

14:34:39 13 Q -- was there a time period where -- did

14:34:42 14 Mr. Scheier start right after Mr. Light left the

14:34:45 15 company?

14:34:45 16 A No.

14:34:45 17 Q So there -- was there a time period when you

14:34:49 18 were acting as vice-president of sales? Strike

14:34:51 19 that.

14:34:51 20 When you were helping with sales?

14:34:53 21 A Yes.

14:34:54 22 Q And what was that time period, approximately?

14:34:56 23 A Approximately from March 2009 until May 2009.

14:35:02 24 Q And in May of 2009 was a vice-president of sales

14:35:08 25 hired?

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14:35:08	1	A	I don't know that.
14:35:16	2	Q	So you helped from March of 2009 to May of 2009?
14:35:19	3	A	Correct.
14:35:20	4	Q	And then did you help with sales at any time
14:35:23	5		between May of 2009 and February of 2010?
14:35:27	6	A	I may have, yes.
14:35:30	7	Q	But you don't recall?
14:35:35	8	A	I don't recall the specifics, no.
14:35:41	9	Q	So who was the vice-president of sales prior to
14:35:45	10		James Light?
14:35:46	11	A	I don't think there was a VP of sales before
14:35:55	12		James Light.
14:35:56	13	Q	When did James Light start working for Multiven?
14:36:01	14	A	I don't recall the date.
14:36:04	15	Q	Prior to James Light starting at Multiven, were
14:36:10	16		you helping with sales?
14:36:11	17	A	Yes.
14:36:14	18	Q	Did you start helping with sales when you
14:36:19	19		started working at Multiven?
14:36:20	20	A	No.
14:36:22	21	Q	When did you start helping with sales?
14:36:24	22	A	When the director of sales resigned in 2007.
14:36:30	23	Q	And who was the director of sales?
14:36:32	24	A	Mark Wippich.
14:36:34	25	Q	And so did you help with sales the entire time

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14:36:39	1		from the time Mark Wippich left Multiven until
14:36:44	2		James Light started at Multiven?
14:36:46	3	A	Yes.
14:36:47	4	Q	During any of these time periods when you were
14:36:52	5		helping with sales at Multiven, did any
14:36:59	6		customers tell you that they wanted to do
14:37:01	7		business with Multiven but could not because
14:37:04	8		they believed they would lose access to bug
14:37:09	9		fixes?
14:37:09	10	A	Directly or indirectly?
14:37:10	11	Q	We'll start with directly.
14:37:12	12	A	I don't recall any specific conversation, but
14:37:17	13		that's something that I might have heard from
14:37:19	14		customers, yes.
14:37:20	15	Q	And then indirectly?
14:37:22	16	A	Yes.
14:37:23	17	Q	And who did you hear it from indirectly?
14:37:25	18	A	From sales reps.
14:37:29	19	Q	For what companies?
14:37:30	20	A	Multiven.
14:37:31	21	Q	And who were those sales reps?
14:37:35	22	A	Brian Nagata.
14:37:41	23	Q	Anyone else?
14:37:44	24	A	There may have been somebody else. I don't
14:37:46	25		recall the name.

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14:37:47	1	Q	And who did Brian Nagata tell you made these
14:37:52	2		representations to him?
14:37:53	3	A	I don't remember the specific name, but I
14:37:55	4		believe it was a partner that raised that issue.
14:37:57	5	Q	A Multiven partner?
14:38:00	6	A	A potential Multiven partner.
14:38:03	7	Q	But you can't remember which potential partner?
14:38:05	8	A	No.
14:38:05	9	Q	And then you said you can't recall who told you
14:38:08	10		directly?
14:38:08	11	A	The customer name? No.
14:38:10	12	Q	But someone did tell you that directly?
14:38:12	13	A	Sounds like something I might have heard
14:38:15	14		directly, yes.
14:38:16	15	Q	But you can't recall for sure whether you heard
14:38:18	16		it directly?
14:38:19	17	A	No.
14:38:21	18	Q	Speaking directly first, during the time you've
14:38:30	19		been helping with sales at Multiven, what
14:38:34	20		reasons have potential customers given for not
14:38:38	21		choosing Multiven's services?
14:38:40	22	A	Sorry, could you repeat the question?
14:38:43	23	Q	So while you were helping with sales at
14:38:46	24		Multiven --
14:38:46	25	A	Yes.



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14:38:46	1	Q	-- what reason have potential customers given
14:38:50	2		for not choosing Multiven -- to go with
14:38:54	3		Multiven's services?
14:38:55	4	A	The primary reason that I heard was that anybody
14:39:01	5		other than Cisco and its resellers wouldn't be
14:39:04	6		able to provide bug fixes to the customers.
14:39:08	7	Q	But you can't recall who told you that directly?
14:39:12	8	A	Not the name, no.
14:39:15	9	Q	And were there any other reasons that people
14:39:17	10		told you? Potential customers told you?
14:39:23	11	A	I don't recall all the other reasons.
14:39:31	12	Q	And have you been told by potential customers
14:39:38	13		that they have been threatened by a Cisco
14:39:43	14		representative that if they do not renew
14:39:45	15		SMARTnet, they will get in trouble for accessing
14:39:48	16		the soft load -- the software download center?
14:39:51	17	A	Yes.
14:39:52	18	Q	And you've been told that directly?
14:39:54	19	A	Indirectly.
14:39:56	20	Q	You've been told that indirectly? And what do
14:39:58	21		you mean by "indirectly"?
14:40:00	22	A	Through a sales -- Multiven sales rep.
14:40:02	23	Q	And which Multiven sales rep?
14:40:05	24	A	Most recently this was Jon Campos.
14:40:10	25	Q	Any others?

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14:40:11	1	A	Not that I can recall.
14:40:12	2	Q	And when did Jon Campos tell you this?
14:40:17	3	A	He documented it in his sales sheet which I had
14:40:20	4		access to last week.
14:40:22	5	Q	And what is a sales sheet?
14:40:24	6	A	It's a sales pipeline sheet.
14:40:26	7	Q	And is a sales pipeline sheet done in Zimbra?
14:40:30	8	A	No, but it's uploaded in Zimbra briefcase.
14:40:33	9	Q	So what is -- where is a sales pipeline sheet --
14:40:41	10		what program is it done in?
14:40:45	11	A	An Excel sheet.
14:40:47	12	Q	And is it done locally on the individual's
14:40:53	13		computer?
14:40:54	14	A	Yes.
14:40:54	15	Q	And then it's uploaded into a Zimbra briefcase;
14:40:58	16		correct?
14:40:58	17	A	Correct.
14:40:58	18	Q	And who has access to the sales pipeline sheets?
14:41:01	19	A	Typically the sales representative and his or
14:41:07	20		her supervisor.
14:41:08	21	Q	And how long -- is it typical for sales
14:41:15	22		representatives to keep sales pipeline sheets?
14:41:18	23	A	Yes.
14:41:19	24	Q	And when did this practice start?
14:41:21	25	A	I don't recall the specific date.

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14:41:25	1	Q	Has it been going on all of 2010?
14:41:29	2	A	I believe so, yes.
14:41:30	3	Q	And did it occur in 2009?
14:41:32	4	A	Yes.
14:41:33	5	Q	And did it occur in 2008?
14:41:34	6	A	Yes.
14:41:35	7	Q	Did it occur in 2007?
14:41:38	8	A	I'm not sure.
14:41:39	9	Q	2006?
14:41:40	10	A	I'm not sure.
14:41:41	11	Q	And when did Multiven start using Zimbra
14:41:53	12		briefcase?
14:41:55	13	A	When it became available. I don't quite recall
14:41:57	14		the date.
14:41:58	15	Q	Was it in 2010?
14:41:59	16	A	It was available then, yes.
14:42:01	17	Q	And was it available in 2009?
14:42:03	18	A	Yes.
14:42:03	19	Q	Was it available in 2008?
14:42:05	20	A	I believe so.
14:42:05	21	Q	Was it available in 2007?
14:42:07	22	A	I don't know.
14:42:08	23	Q	Has anyone else other than Jon Campos told you
14:42:23	24		that customers have been threatened by a Cisco
14:42:26	25		representative that if they do not renew

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14:42:29	1	SMARTnet, they will get in trouble for accessing
14:42:31	2	the software download center?
14:42:34	3	A I don't recall.
14:42:39	4	Q And what did the note in Jon Campos's sales
14:42:46	5	pipeline report set forth?
14:42:48	6	A What did it report ...
14:42:50	7	Q What did it say, his entry in the sales pipeline
14:42:55	8	report?
14:42:55	9	A The exact quote?
14:42:56	10	Q Roughly. If you can't remember the exact quote,
14:42:59	11	which --
14:43:00	12	A I don't remember the exact quote, but something
14:43:02	13	along the lines of a customer who was interested
14:43:06	14	in purchasing Multiven services was threatened
14:43:09	15	by a Cisco sales rep that they wouldn't have
14:43:12	16	access to Cisco software. Something along those
14:43:16	17	lines. And this was in May of this year.
14:43:18	18	Q But you can't remember any other instance where
14:43:25	19	you've been told that?
14:43:26	20	A There were other instances. I just cannot
14:43:28	21	remember the specific dates.
14:43:30	22	Q Have any Multiven potential customers told you
14:43:38	23	that a Cisco sale rep gave them the rep's
14:43:44	24	username and password to download software -- to
14:43:49	25	download Cisco software?

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14:43:50 1 A No.

14:43:50 2 Q Have any customers -- so the other question was

14:43:58 3 potential customers, and so now I'm

14:43:59 4 distinguishing between customers -- have told

14:44:01 5 you that a Multiven -- have told Multiven that a

14:44:03 6 Cisco sales rep gave them the rep's username and

14:44:06 7 password to download software?

14:44:09 8 A I don't recollect.

14:44:10 9 Q Have any potential customers told you that a

14:44:12 10 Cisco sales rep gave them the rep's username and

14:44:16 11 password to look at the Bug Toolkit?

14:44:20 12 A Not that I recall.

14:44:20 13 Q Any current customers -- have any current

14:44:21 14 customers told you that a Cisco sales rep gave

14:44:25 15 them the rep's username and password to look at

14:44:27 16 the Bug Toolkit?

14:44:29 17 A Not that I recollect.

14:44:32 18 Q Who other than Multiven has purchased

14:44:41 19 Pingsta ICE from Pingsta?


14:44:43 20 A Direct customers.

14:44:45 21 Q And who are the direct customers?

14:44:48 22 A I do not remember the names.

14:44:49 23 Q Do you remember any of the names?

14:44:52 24 A No.

14:44:52 25 

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14:44:59	1		[REDACTED]
14:45:01	2	[REDACTED]	[REDACTED]
14:45:03	3	[REDACTED]	[REDACTED]
14:45:08	4	[REDACTED]	--
14:45:08	5	[REDACTED]	[REDACTED]
14:45:09	6	[REDACTED]	[REDACTED]
14:45:10	7	[REDACTED]	[REDACTED]
14:45:11	8	[REDACTED]	[REDACTED]
14:45:19	9		[REDACTED]
14:45:19	10	[REDACTED]	[REDACTED]
14:45:27	11	[REDACTED]	[REDACTED]
14:45:29	12	[REDACTED]	[REDACTED]
14:45:29	13	[REDACTED]	[REDACTED]
14:45:32	14	[REDACTED]	[REDACTED]
14:45:33	15	[REDACTED]	[REDACTED]
14:45:37	16	[REDACTED]	[REDACTED]
14:45:37	17	[REDACTED]	[REDACTED]
14:45:39	18	[REDACTED]	[REDACTED]
14:45:40	19	[REDACTED]	[REDACTED]
14:45:41	20	[REDACTED]	[REDACTED]
14:45:42	21	[REDACTED]	[REDACTED]
14:45:45	22	[REDACTED]	[REDACTED]
14:45:45	23	Q	Do you know how many Pingsta ICE tasks have been
14:45:59	24		successfully completed in 2010?
14:46:00	25	A	No.

14:46:01 1 Q Do you know how many Pingsta ICE tasks have been  
14:46:05 2 successfully completed since Pingsta was  
14:46:08 3 started?  
14:46:11 4 A No.  
14:46:12 5 Q Do you know how many Pingsta ICE tasks were  
14:46:16 6 completed in 2009?  
14:46:17 7 A Not at the moment, no.  
14:46:21 8 Q 2008?  
14:46:21 9 A No.  
14:46:22 10 Q 2007?  
14:46:23 11 A No.  
14:46:23 12 Q What type of hardware does Multiven purchase for  
14:46:32 13 its own use?  
14:46:35 14 A Define "hardware."  
14:46:40 15 Q Like routers, the server?  
14:46:48 16 A I don't know.  
14:46:52 17 Q Where does -- approximately how many suppliers  
14:47:00 18 does -- from whom Multiven sources its spares?  
14:47:07 19 A Approximately a dozen.  
14:47:09 20 Q Which vendors does it source its spares from?  
14:47:19 21 A I don't know. I'm not in charge of that.  
14:47:20 22 [REDACTED]  
14:47:26 23 [REDACTED]  
14:47:28 24 [REDACTED]  
14:47:31 25 [REDACTED]

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14:47:32 1 Q Do you know how long the contract goes?  
14:47:36 2 A I think it's an annual contract.  
14:47:37 3 Q And by "annual" means it renews annually?  
14:47:42 4 A Correct.  
14:47:42 5 Q How does Multiven obtain lists of potential  
14:47:55 6 suppliers for hardware?  
14:47:56 7 A I don't know. I'm not in charge of that.  
14:47:57 8 Q How does Multiven obtain lists of potential  
14:48:05 9 partners for services?  
14:48:06 10 A By doing research.  
14:48:09 11 Q What kind of research?  
14:48:11 12 A Online research.  
14:48:13 13 Q What type of online research?  
14:48:15 14 A Researching for potential partners based on key  
14:48:25 15 words.  
14:48:25 16 Q Who are the top three earners from Pingsta ICE?  
14:48:30 17 A I don't know their names.  
14:48:31 18 Q Do you know any -- the names of any of the  
14:48:36 19 Pingsta ICE engineers?  
14:48:37 20 A Not their full names.  
14:48:41 21 Q Do you know their first names?  
14:48:43 22 A Yes.  
14:48:44 23 [REDACTED]  
14:48:49 24 [REDACTED]  
14:48:50 25 [REDACTED]



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14:48:53 1 [REDACTED] [REDACTED] [REDACTED]  
14:48:58 2 [REDACTED] [REDACTED]  
14:48:59 3 [REDACTED] [REDACTED] [REDACTED]  
14:49:04 4 [REDACTED]  
14:49:05 5 [REDACTED]  
14:49:10 6 [REDACTED]  
14:49:11 7 Q Does Multiven ever offer trials of its services?  
14:49:20 8 A Yes.  
14:49:20 9 Q Does Pingsta ever offer trials of its services?  
14:49:23 10 A Yes.  
14:49:24 11 Q And in your opinion is this a good way to build  
14:49:34 12 a business?  
14:49:37 13 MR. BIAL: I'm going to object. That's speculative.  
14:49:40 14 But you can answer, if you can.  
14:49:42 15 A By "building a business" you mean acquiring  
14:49:45 16 customers?  
14:49:47 17 MS. ENNS:  
14:49:47 18 Q Correct. Sorry. I should have been more clear.  
14:49:50 19 A Yes.  
14:49:50 20 Q Have any of your potential customers complained  
14:50:15 21 that they received a bill for Cisco software  
14:50:17 22 that they shouldn't have received?  
14:50:20 23 A Not that I know of.  
14:50:23 24 Q Okay. Then given the time, I'm going to release  
14:50:33 25 Ms. Yussuf. We're going to keep the deposition

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14:50:37                    open given there were documents produced very  
14:50:43                    recently, over 6,000 pages last Friday and on  
14:50:46                    Monday produced to us in San Francisco, so we  
14:50:50                    reserve the right to call the witness back.  
14:50:52                    MR. BIAL: Okay. And just for the record, we will --  
14:50:56                    we think the deposition is closed subject to the  
14:51:00                    court order which we obviously will take heed  
14:51:07                    to. But otherwise we appreciate your working to  
14:51:09                    allow Ms. Yussuf to return back to her country.  
14:51:15                    MS. ENNS: Thank you. With that we'll release you.  
14:51:17                    A      Thank you.  
14:51:18                    VIDEO OPERATOR: This concludes today's deposition of  
14:51:21                    Deka Yussuf. That is the end of tape number 3,  
14:51:28                    volume 1. Going off the record. The time is  
14:51:30                    2:51.  
14:51:30                    (WHEREUPON, THE DEPOSITION WAS  
14:51:30                    ADJOURNED AT 2:51 P.M.)  
14:51:33                    (TOTAL TIME: 4 HOURS, 55 MINUTES)  
14:51:33